

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR NEW  
CENTURY HOME EQUITY LOAN TRUST,  
SERIES 2005-C, ASSET BACKED PASS-  
THROUGH CERTIFICATES,

Plaintiff,

vs.

LEMMIE GARNER; SUSAN CARLILE; and  
WOODLAND VILLAGE HOMEOWNERS  
ASSOCIATION,

Defendants.

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LEMMIE GARNER; SUSAN CARLILE,

Counterclaimant,

vs.

DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR NEW  
CENTURY HOME EQUITY LOAN TRUST,  
SERIES 2005-C, ASSET BACKED PASS-  
THROUGH CERTIFICATES,

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Counter-Defendant.

Case No.: 3:17-cv-00072-LRH-WGC

**STIPULATED JUDGMENT  
FOR QUIET TITLE**

1 Plaintiff/Counter-Defendant, Deutsche Bank National Trust Company, as Trustee for  
2 New Century Home Equity Loan Trust, Series 2005-C, Asset Backed Pass-Through Certificates  
3 (hereinafter “Deutsche Bank”), by and through their attorneys of record, R. Samuel Ehlers, Esq.,  
4 of the law firm of WRIGHT, FINLAY & ZAK, LLP, and Defendant/Counterclaimants Lemmie  
5 Garner and Susan Carlile (hereinafter “Garner and Carlile”), by and through their attorney of  
6 record, Karlon Kidder, Esq. of THE KIDDER LAW GROUP, LTD, hereby jointly agree,  
7 stipulate, and authorize entry of a stipulated judgment as follows:  
8

9 WHEREAS,

10 1. The real property which is the subject of this case is commonly known as 18101  
11 Alexandria Drive, Reno, Nevada 89508, APN: 556-1191-03 (the “Property”), which is described  
12 as follows:  
13

14 LOT 558 OF WOODLAND VILLAGE PHASE 7, ACCORDING TO THE MAP  
15 THEREOF NO. 4106, FILED IN THE OFFICE OF THE COUNTY RECORDER  
16 OF WASHOE COUNTY, STATE OF NEVADA, ON JULY 30, 2002, AS  
DOCUMENT NO. 2716380, OF OFFICIAL RECORDS

17 2. Deutsche Bank National Trust Company, as Trustee for New Century Home  
18 Equity Loan Trust, Series 2005-C, Asset Backed Pass-Through Certificates (“Deutsche Bank”) is  
19 the current beneficiary of a first Deed of Trust dated September 13, 2004 securing a loan in the  
20 amount of \$292,000.00 and executed by non-parties John R. Davis and Kim M. Davis  
21 (“Borrowers”), which was recorded on October 27, 2005 in the Official Records of Washoe  
22 County, Nevada as Book and Instrument Number 3298949 (“Deed of Trust”) by virtue of an  
23 Assignment of the aforementioned Deed of Trust recorded against the Property with the Washoe  
24 County Recorder on October 29, 2009 as Book/Instrument Number 3816483.  
25

26 3. On or about May 27, 2011, a Notice of Delinquent Assessment Lien  
27 (“Association Lien”) was recorded against the Property on behalf of Woodland Village  
28

1 Homeowners Association (the "HOA") in the Washoe County Recorder's Office as Book and  
2 Instrument Number 4007450.

3 4. On or about July 24, 2013, a Notice of Default and Election to Sell under  
4 Homeowners Association Lien was recorded against the Property in the Washoe County  
5 Recorder's Office as Book and Instrument Number 4261494 as to the Association Lien.

6  
7 5. On or about December 23, 2013, a Notice of Foreclosure Sale was recorded  
8 against the Property in the Washoe County Recorder's Office as Book and Instrument Number  
9 4311141 as to the Association Lien.

10 6. On or about January 30, 2014, a non-judicial foreclosure sale occurred whereby  
11 the Hampton and Hampton ("HOA Trustee") allegedly sold the Property to Garner and Carlile,  
12 for the sum of \$20,000.00. On February 19, 2014, a Foreclosure Deed was recorded in Washoe  
13 County as Book and Instrument Number 4327064.

14  
15 7. On February 2, 2017, this action was commenced by virtue of Deutsche Bank's  
16 Complaint.

17  
18 8. The Parties have now come to a resolution regarding their respective claims and  
19 interests in the Property.

20 9. The Parties have, or will, execute a settlement agreement, the terms of which are  
21 confidential, but under which Garner and Carlile agree to forego all right, title and interest in the  
22 Property and to disclaim their interest thereto, for agreed-upon consideration.

23  
24 10. By virtue of the settlement agreement, the parties stipulate and agree as follows:  
25 that Deutsche Bank is the sole owner of the Property free and clear of any and all claims, rights,  
26 and interests by Garner and Carlile.

27 11. All other claims asserted by or against any of the Parties hereto shall be dismissed  
28

1 with prejudice.

2 12. Nothing in this stipulated judgment should be construed as intended to benefit any  
3 other party not identified as the Parties hereto, and in particular, shall not constitute a waiver or  
4 relinquishment of any claims by Deutsche Bank against the Borrower.

5 13. Pursuant to NRS 40.020, no party may recover costs or attorney's fees against the  
6 other as a result of this disclaimer of interest.

7 14. That Deutsche Bank shall be entitled to any excess funds from the HOA trustee  
8 regarding this Property.

9 15. Each Party shall bear its own fees and costs incurred in this litigation and  
10 settlement.  
11

12  
13 **IT IS HEREBY STIPULATED AND AGREED** that judgment for quiet title shall be  
14 granted in favor of Deutsche Bank and that Deutsche Bank may proceed to a judicial or non-  
15 judicial foreclosure sale on the Property;

16 **IT IS FURTHER STIPULATED AND AGREED** that the above-referenced matter,  
17 including all remaining claims for relief thereto, by and between all Parties, shall be dismissed  
18 with prejudice;  
19

20 **IT IS FURTHER STIPULATED AND AGREED** that nothing in this Stipulated  
21 Judgment is intended to be, or will be, construed as an admission of the claims or defenses of the  
22 Parties;  
23

24 **IT IS FURTHER STIPULATED AND AGREED** that each party shall bear its own  
25 fees and costs;

26 **IT IS FURTHER STIPULATED AND AGREED** that Deutsche Bank shall be entitled  
27 to any and all excess funds that may exist with the HOA trustee regarding this property;  
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1           **IT IS FURTHER STIPULATED AND AGREED** that a copy of this Stipulated  
2 Judgment may be recorded with the Washoe County Recorder and will supersede any prior  
3 written orders, agreements or judgments.

4           **IT IS SO STIPULATED.**

5  
6 DATED this 21st of April, 2020.

DATED this 21st of April, 2020.

7 **WRIGHT, FINLAY & ZAK, LLP**

**THE KIDDER LAW GROUP, LTD**

8 /s/ R. Samuel Ehlers

/s/ Karlon J. Kidder

9 R. Samuel Ehlers, Esq.

Karlon J. Kidder, Esq.

10 Nevada Bar No. 9313

Nevada Bar No. 11622

7785 W. Sahara Ave., Suite 200

620 N. Rock Blvd.

Las Vegas, NV 89117

Sparks, Nevada 89431

11 *Attorneys for Plaintiff/Counter-Defendant,*

*Attorney for Defendant/Counterclaimant*

12 *Deutsche Bank National Trust Company, as*

*Lemmie Garner and Susan Carlile*

13 *Trustee for New Century Home Equity Loan*

14 *Trust, Series 2005-C, Asset Backed Pass-*

*Through Certificates*

15           **JUDGMENT**

16           Based upon the foregoing Stipulation by and between the parties, and good cause  
17 appearing,  
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19           **IT IS HEREBY ORDERED** that judgment for quiet title is hereby granted in favor of  
20 Deutsche Bank giving Deutsche Bank title to the real property described hereafter free and clear  
21 of all interests which could be asserted through the Foreclosure Deed recorded February 19,  
22 2014 as Book and Instrument Number 4327064, and free and clear of any interest asserted by  
23 Garner and Carlile and that Deutsche Bank may proceed with a judicial or non-judicial  
24 foreclosure. This judgment quiets title to the real property described as follows:  
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26           LOT 558 OF WOODLAND VILLAGE PHASE 7, ACCORDING TO THE MAP  
27           THEREOF NO. 4106, FILED IN THE OFFICE OF THE COUNTY RECORDER  
28           OF WASHOE COUNTY, STATE OF NEVADA, ON JULY 30, 2002, AS  
            DOCUMENT NO. 2716380, OF OFFICIAL RECORDS

1           **IT IS FURTHER ORDERED** that the above-referenced matter, including all remaining  
2 claims for relief thereto, by and between all Parties, shall be dismissed with prejudice;

3           **IT IS FURTHER ORDERED** that nothing in this Stipulated Judgment is intended to be,  
4 or will be, construed as an admission of the claims or defenses of the Parties;

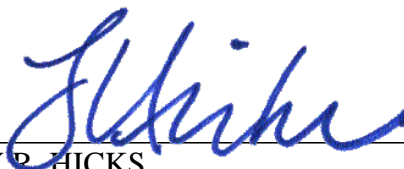
5           **IT IS FURTHER ORDERED** that each party shall bear its own attorney's fees and  
6 costs;  
7

8           **IT IS FURTHER ORDERED** that Deutsche Bank shall be entitled to any and all excess  
9 funds that the HOA trustee may have regarding this Property; and

10           **IT IS FURTHER ORDERED** that a copy of this Stipulated Judgment may be recorded  
11 with the Washoe County Recorder and will supersede any prior written orders, agreements or  
12 judgments.  
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14           **IT IS SO ORDERED.**

15           DATED this 22nd day of April, 2020.

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17   
18 LARRY R. HICKS  
19 UNITED STATES DISTRICT JUDGE  
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